

E-filing

## United States District Court

NORTHERN

DISTRICT OF

CALIFORNIA

UNITED STATES OF AMERICA

V.

CRIMINAL COMPLAINT

JUAREZ-BRAVO, Timoteo  
 Aka ESPIN-Peralta, Herlindo  
 Name and Address of Defendant)

06 70750

CASE NUMBER:

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On a date unknown but no later than, October 18, 2006, in Santa Clara County in the Northern District of California defendant(s) was, (Track Statutory Language of Offense)

Unlawfully re-entered and was found in the United States after deportation, without the permission of the Attorney General

in violation of Title 8 United States Code, Section(s) 1326  
 I further state that I am a(n) Deportation Officer and that this complaint is based on the following  
Official Title  
 facts:

SEE ATTACHED AFFIDAVIT

PENALTIES: \$250,000.00 fine, twenty years imprisonment and \$100.00 special assessment fee and a Term of Supervised Release up to three years.

Requested bail: Issue no bail warrant / government will request detention.

APPROVED AS TO FORM:

*Joseph F. Fajoli* 11/17/06  
 ASSISTANT UNITED STATES ATTORNEY

Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No

*[Signature]*  
 Signature of Complainant

Sworn to before me and subscribed in my presence,

11/17/06  
 Date

at

San Jose, California  
 City and State

Richard Seeborg  
 United States Magistrate Judge  
 Name & Title of Judicial Officer

*[Signature]*  
 Signature of Judicial Officer

RE: JUAREZ-BRAVO, Timoteo AKA ESPIN-PERALTA, Herlindo

A77 174 592

I am a Deportation Officer of the United States Department of Homeland Security, Immigration and Customs Enforcement (ICE) and have been employed since July 7, 1997. I am currently assigned to the Criminal Alien Program (CAP) Unit of the San Jose Sub-Office. In such capacity, I have reviewed the official file relating to the above named individual, which attests to the following:

- (1) Mr. JUAREZ-BRAVO is a 30-year-old male who has used four (4) aliases and one (1) date of birth in the past:
- (2) Mr. JUAREZ-BRAVO has been assigned one (1) Alien Registration number of A77 174 592, FBI number of 963646JB0, California Criminal Information Index number of A12338261, and a San Clara County Department of Corrections Personal File Number (PFN) of DND594.
- (3) Mr. JUAREZ-BRAVO is a native of Mexico and a citizen of Mexico since birth. A check through Service records shows that he was arrested and deported on four (4) occasions from the United States.

DATEPLACE OF DEPORTATION

August 20, 1999

Nogales, AZ

July 13, 2000

Nogales, AZ

September 4, 2002

El Paso, TX

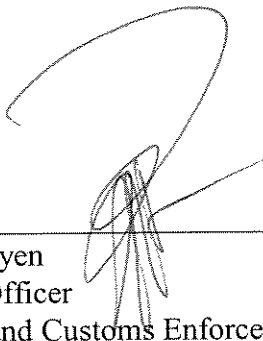
February 27, 2003

Nogales, AZ

- (4) Mr. JUAREZ-BRAVO was on September 4, 2002, convicted in the United States District Court, District of New Mexico for Violation Title 8 USC, Section 1326(a)(1) & (2) Re-Entry of Deported Alien. For this offense, Mr. JUAREZ-BRAVO was sentenced to 43 days time served.
- (5) Mr. JUAREZ-BRAVO last entered the United States at or near Nogales, AZ on or after February 27, 2003, by crossing the international border without inspection subsequent to deportation.
- (6) Mr. JUAREZ-BRAVO on a date unknown but no later than October 18, 2006, in Santa Clara County in the Northern District of California, was found to be unlawfully present in the United States, after a prior arrest and deportation, without the permission of the Director of Homeland Security, in violation of Title 8, United States Code, Section 1326. On November 14, 2006, Mr. JUAREZ-BRAVO was interviewed by Immigration Enforcement Agent (IEA) Efrain Cruz at Santa Clara Co Jail Elmwood, Milpitas, California. During that interview, Mr. JUAREZ-BRAVO was advised of his **Miranda** rights in Spanish. Mr. JUAREZ-BRAVO waived his **Miranda** rights and provided a written sworn statement attesting to his alienage, prior deportation, and failure to obtain permission from the Director of Homeland Security to reenter the United States.

RE: RE: JUAREZ-BRAVO, Timoteo AKA ESPIN-PERALTA, Herlindo A77 174 592

- (7) Mr. JUAREZ-BRAVO was on August 12, 1998, convicted in the Superior Court of California, in and for the County of Santa Clara, for the offense of POSSESSION DECEPTIVE GOVERNMENT ID/DRIVER LICENSE, a Misdemeanor, in violation of Section 529.5(c) of the California Penal Code, and was sentenced to thirty (30) days in jail.
- (8) There is no record in the official file of the United States Department of Homeland Security, Immigration and Customs Enforcement that Mr. JUAREZ-BRAVO ever applied to the Director of Homeland Security to reenter the United States after deportation.
- (9) Mr. JUAREZ-BRAVO is currently in custody at the Santa Clara County Jail Elmwood, Milpitas, California pending local charges of False Imprisonment PC 236/237 and Assault with a Deadly Weapon PC 245(a)(1).
- (10) On the basis of the above information, there is probable cause to believe that Mr. JUAREZ-BRAVO illegally entered the United States, in violation of Title 8, United States Code, Section 1326.



Trong Q. Nguyen  
Deportation Officer  
Immigration and Customs Enforcement

Subscribed and sworn to before me this 17<sup>th</sup> day of November, 2006



RICHARD SEEBORG  
~~CHIEF~~ UNITED STATES MAGISTRATE JUDGE